

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
September 21, 1999, 9:00 A.M.

City Hall
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation – Rev. Mike Mulberry, Pilgrim Congregational Church
- Pledge of Allegiance
- Approve the minutes of the previous meeting

AWARDS AND PRESENTATIONS

- Distinguished Service Citations.
- Proclamations

UNFINISHED BUSINESS

1. Repair or Removal of Dangerous and Unsafe Structure - 1812 Heiserman. (District VI)

On August 17, 1999, the City Council allowed an additional 30 days for completion of exterior repairs.

RECOMMENDED ACTION: Determine action based on the proposed plan of Nations Bank.

NEW BUSINESS

2. Public Hearing and Tax Exemption Request - Airxcel, Inc. (District VI)

Airxcel, Inc., is requesting a 100 percent tax exemption on real and personal property improvements for a five-plus-five year term, subject to City Council review.

RECOMMENDED ACTION: Close the public hearing; determine the appropriate tax exemption; and approve first reading of the Ordinance.

3. Reinstatement of Letter of Intent and Increase in Amount for Hospital Facilities Improvement and Refunding Revenue Bonds - Via Christi Health System, Inc. (Districts II, III, and VI)

Via Christi is requesting the original Letter of Intent be reinstated for a six-month period expiring March 21, 1999, and the new money portion be increased from \$27.5 million to \$47.5 million.

RECOMMENDED ACTION: Reinstatement the Letter of Intent and increase total amount for issuance of the Bonds.

4. Sanitary Sewer to Serve Two Unplatted Tracts North of Central, West of 119th Street West. (District V)

A Petition has been submitted for a sanitary sewer to serve two homes that front on 119th Street West, north of Central. The Petition has been signed by two of four owners of fifty percent of the improvement district area.

RECOMMENDED ACTION: Approve the project; adopt the Resolution; and authorize the Staff Screening and Selection Committee to select a design engineer.

5. Appeal of Board of Codes Standards and Appeals Decision - 1205 North Bitting. (District VI)

Mr. William T. Davitt is appealing the action of the Board of Code Standards and Appeals (BCSA) which declared the structure as "unfit for habitation."

RECOMMENDED ACTION: Uphold the actions of the Board of Codes Standards and Appeals.

6. Project Funding Request for Transportation Enhancement (KDOT).

KDOT will receive applications for enhancement projects from cities and counties throughout Kansas and select those projects that meet KDOT funding eligibility criteria.

RECOMMENDED ACTION: Approve the project list; adopt the Resolution; and authorize Staff to submit project requests to KDOT.

CITY COUNCIL AGENDA

7. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

8. Proclamations.

RECOMMENDED ACTION: Authorize issuance of the Proclamations.

9. National League of Cities Annual Business Meeting Approval of Voting Delegate and Alternate.

The City of Wichita may name one Voting Delegate and one Alternate Voting Delegate to cast the City's eight votes.

RECOMMENDED ACTION: Designate the Voting and Alternate Delegates.

CONSENT AGENDA

10. Report of the Board of Bids and Contracts Dated September 20, 1999.

RECOMMENDED ACTION: Receive and file the report; approve the Contracts;
and authorize the necessary signatures.

11. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
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Michael L. Consolver	MacDonald Golf Course Snack Bar*	840 North Yale
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(Consumption on Premises)

P.D. (David) Bairrington	Lynncrest 66 #26635	1250 South Rock Road
P.D. (David) Bairrington	Cross Roads 66 #27080	7136 West Central
P.D. (David) Bairrington	Williamsburg 66 #27216	1650 North Oliver
P.D. (David) Bairrington	Town West 66 #27222	4414 West Maple
P.D. (David) Bairrington	Broadway 66 #27375	4821 South Broadway
P.D. (David) Bairrington	North Seneca 66 #27645	515 North Seneca Street
P.D. (David) Bairrington	Tyler 66 #27747	1254 South Tyler Road
P.D. (David) Bairrington	Reflection Ridge 66 #27754	7236 West 21 st Street North
P.D. (David) Bairrington	Expressway 66 #27904	3311 North Rock Road
P.D. (David) Bairrington	Mount Vernon 66 #27981	2001 South Oliver Street

<u>New Operator</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
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Tang Tuong	Café Sao Dem*	1933 North Broadway
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*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve the licenses subject to Staff review and approval.

12. Plans and Specifications:

- a. 1999-2000 CDBG public facilities and improvements (Phase A) concrete - at various locations. (99_602302_A/602302/800901) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 3/16/99. (Districts I, III, and VI)
- b. 1999 condemned sidewalk and wheelchair ramps - Phase I - at various locations. (132100 and 785931/n/a; and 399125) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 8/11/98.

RECOMMENDED ACTION: Approve and advertise for bids to be submitted to the Board of Bids by 10:00 a.m., October 1, 1999.

13. Subdivision Plans and Specifications.

RECOMMENDED ACTION: Approve and advertise for bids to be submitted to the Board of Bids.

14. Preliminary Estimates:

- a. Storm Water Drain 144 to serve Ridge Port North Addition and Unplatted Tract - south of 37th, east of Ridge. (468-82988/751278/485169) Does not affect existing traffic. City Council approval date: 5/25/99. (District V) - \$450,000.00
- b. 33rd Street South from Gordon to Meridian to serve YMCA South Addition - west of Meridian, north of I-235. (472-82952/765297/490631) Traffic to be maintained using barricades and flagpersons. City Council approval date 6/23/98. (District IV) - \$133,200.00.

RECOMMENDED ACTION: Approve and file.

15. Petitions for Public Improvements:

- a. Paving and water distribution system to serve Ridge Port Addition – north of 29th Street North, east of Ridge Road. (District V)
- b. Paving Pepper Ridge and Forest Park Streets in Forest Lakes West Addition – north of 29th Street North, East of Tyler. (District V)

RECOMMENDED ACTION: Approve the Petitions; and adopt the Resolutions.

16. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures/uses.

17. Report on Claims Allowed – August, 1999:

<u>Name of Claimant</u>	<u>Amount</u>
Norman Porter	\$211.92
Laura Formsma	\$187.99
Rocky Crownover	\$179.26
Gary J. Hubbard	\$150.00*
Gary J. Hubbard	\$531.66*
George Holland	\$291.92
Cathy L. Rogers	\$300.00
Kevin Roberts	\$62.16
SW Bell	\$916.76
Jerry Dorpinghaus	\$174.53
J. V. Lentell	\$254.16
Cindy Duvaul	\$468.29
Ice Cinemas-Cinemas West	\$206.22
American Family Ins./Richard & Patricia Seng	\$4,065.20
Kansas Gas Service	\$276.50
Kansas Gas Service	\$386.40
Chad Wetta	\$100.00

*Settled for lesser amounts than originally claimed.

RECOMMENDED ACTION: Receive and file.

18. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for thirty (30) water and twenty-six (26) sewer projects, and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 11, 1999.

RECOMMENDED ACTION: Set the hearing on the proposed assessments rolls for
11:00 a.m., Tuesday, October 26, 1999.

19. Agreements/Contracts:

- a. CDBG Contract – Mennonite Housing Rehabilitation Services Home Repair Program.
- b. Contract with McDonald, Tinker, Skaer, Quinn & Herrington, P.A. for Legal services.
- c. Transcribing Services – Police Records.
- d. Contract extensions for banking services, computer equipment/maintenance, and office supplies.
- e. Engineering services for repairs to Cheney Dam.

RECOMMENDED ACTION: Approve the Agreements/Contracts; and authorize the
necessary signatures.

20. Community Lake Assistance Grants. (District I)

RECOMMENDED ACTION: Approve the grant applications and receipt of funds;
and authorize the necessary signatures.

21. CIP Budget Adjustment - Installation and Repair of Mains.

RECOMMENDED ACTION: Approve the transfer of funds.

22. Public Extigency Project – Sanitary Sewer Repairs. (District I)

RECOMMENDED ACTION: Affirm approval of the project.

23. Repair or Removal of Dangerous and Unsafe Structures.

	<u>Address</u>	<u>District</u>		<u>Address</u>	<u>District</u>
1.	855 East 8th	VI	2.	512 N. Bebe	VI
3.	1702 S. Hiram	IV	4.	1151-53 S. Terrace	III
5.	3441 E. Roseberry	III	6.	2951 S. Clifton	III
7.	3089 S. Clifton	III			

RECOMMENDED ACTION: Adopt the Resolution (s) setting the Public Hearing
on November 9, 1999, at 11:00 a.m.

24. North Industrial Cooridor Contract Amendment - Camp Dresser and McKee.

RECOMMENDED ACTION: Approve the amendment; and authorize the
necessary signatures.

25. Designation of Redeveloper for Lot 1, Block 4, Bridgeport Industrial Park 1 Addition. (District VI)

RECOMMENDED ACITON: Approve the designation of redeveloper and Contract; and
authorize the necessary signatures.

26. Second Reading Ordinances: (First read September 14, 1999)

a. Tax exemption - Case Corporation. (District V)

An Ordinance exempting property from ad valorem taxation for economic development purposes
pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad
valorem tax exemption; and describing the property of Case Corporation, so exempted.

Item #26 Continued

- b. Z-3330 - zone change south of Harry and east of Yale Avenue, 1612 South Yale. (District III)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas. Z-3330

- c. Educational Facilities Revenue Bonds - Newman University. (District IV)
(First read August 24, 1999)

An Ordinance authorizing the City of Wichita, Kansas to issue its educational facilities revenue bonds, Series No. IX, 1999, (Newman University) in the aggregate principal amount of not to exceed \$11,350,000 for the purpose of providing funds to purchase, acquire, construct, equip, reconstruct and rehabilitate certain commercial improvements consisting of administrative, educational, and residential facilities; prescribing the form and authorizing execution of a trust indenture between the City and Commerce Bank, N.A., Kansas City, Missouri, as trustee; prescribing the form and authorizing execution of a site lease by and between the City and Newman University, prescribing the form and authorizing execution of a lease Agreement by and between Newman University and the City; approving the form of a guaranty Agreement between Newman University, as guarantor, and Commerce Bank, N.A., Kansas City, Missouri, as trustee; prescribing the form and authorizing the execution of a bond purchase Agreement between the City, Newman University, and Fahnestock & Co., Inc., as purchaser of the Series IX, 1999 Bonds.

RECOMMENDED ACTION: Adopt the Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

*Consent

- *27. V-2192 - Request to Vacate a Portion of a 20-Foot Wide Drainage and Pedestrian Access Easement Located South of Central and West of Cedar Downs Circle. (District V)

MAPC Recommendation: Approve Vacation of the portion of the 20-foot drainage and pedestrian access easement.

Staff Recommendation: Approve Vacation of the portion of the 20-foot drainage and pedestrian access easement.

RECOMMENDED ACTION: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order; accept the dedication of the drainage easement; and authorize the necessary signatures.

- *28. D-1767 - Dedication of Drainage and Utility Easement Located on the West Side of Webb Road, South of 29th Street North. (District II)

MAPC Recommendation: Accept the dedication.

RECOMMENDED ACTION: Accept the dedication.

- *29. S/D 99-1 - Plat of West Warehouse 2nd Addition Located on the East Side of West Street on the South Side of Harry. (District IV)

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

RECOMMENDED ACTION: Approve the Plat; and authorize the necessary signatures.

- *30. S/D 99-7 - Plat of Davis Moore 13th Addition Located South of Kellogg, West of Woodlawn. (District II)

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

RECOMMENDED ACTION: Approve the documents and Plat; authorize the necessary signatures; and approve first reading of the Ordinance.

- *31. S/D 99-24 - Plat of Mikki Addition Located on the East Side of Arkansas Avenue, South of 47th Street North. (District VI)

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

RECOMMENDED ACTION: Approve the documents and Plat; and authorize the necessary signatures.

- *32. 99-25 - Plat of Village Charters 2nd Addition Located on the East Side of Tyler Road, North of 21st Street North.
(District V)

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

RECOMMENDED ACTION: Approve the Plat; authorize the necessary signatures;
and approve first reading of the Ordinance.

33. DR-99-4 - Street Name Change from Jackson Street to Jackson Heights Street as Platted in the Gilders Gardens Addition and Plaza Central Office Park Addition Located West of 127th Street East Between Douglas and Central.
(District II)

MAPC Recommendation: Approve street name change.

Staff Recommendation: Approve street name change.

RECOMMENDED ACTION: Approve the street name change as recommended by
the Planning Commission and place the associated
Ordinance on first reading.

- *34. CU-532 - Request for Conditional Use Permit to Allow a Car Wash Within 200 Feet of Residential Zoning.
(District VI)

MAPC Recommendation: Approve, subject to conditions.

CPO Recommendation: Deny.

Staff Recommendation: Approve, subject to conditions.

RECOMMENDED ACTION:

1. Concur with the findings of the MAPC and approve the conditional use, subject to the recommended conditions;
2. Deny the application; OR
3. Return the application to the MAPC for reconsideration.

- *35. Z-3331 - Zone Change from "SF-6" Single-Family Residential. District to "LC" Limited Commercial, Located on the Northwest Corner of 21st Street North and 119th Street West. (District V)

MAPC Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to the conditions of a protective overlay.

Staff Recommendation: Approve, subject to conditions.

- RECOMMENDED ACTION:
1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a protective overlay district and subject to the condition of Platting within one year; instruct the Planning Department to forward the Ordinance for first reading when the Plat is forwarded to the City Council; OR
 2. Return the application to the MAPC for reconsideration.

Adjournment

Workshop following the City Council meeting.